

Abstract

An injured party in criminal proceedings and his/her protection

The diploma thesis deals with the position of the injured party and his protection during the entire criminal proceedings and a description of the rights at his disposal in its individual phases. It draws information from legislation, literature, case law and electronic resources.

The diploma thesis is divided into five chapters. The first includes the definition of the term injured party, both its positive and negative definitions. It also describes the differences between the terms 'injured party' and 'victim of a crime'.

The second chapter focuses on the description of the rights that belong to all injured, as well as those that belong only to the injured, who have the status of a subject in adhesion proceedings under § 43, paragraph 3 of the Criminal Procedure Code. The most important of these rights are characterized in more detail. It is also describing the possibility of injured party to waiver his procedural rights and analyzing the problem of partial waiver. The last part of the chapter is devoted to minors as the injured parties and their special position in criminal proceedings.

The third chapter describes in more detail the position of the injured party in the individual stages of criminal proceedings, from the preparatory proceedings to the regular and extraordinary remedies.

The fourth chapter deals with the adhesion proceedings, characterizes conditions, which are necessary for a proper registration of the injured party's claim for material damages, non-material damages, or the claim for surrender of unjust enrichment, defines the obstacle for enforcing the right to damages, and describes the court's procedure of making a decision on this claim.

The fifth chapter describes situations, where on injured party's claim will not be decided with the ordinary judicial decision. The diversions that this paper works on includes plea bargaining, settlement and conditional suspension of prosecution. This chapter analyzes each of them and presents both positive and negative aspects of decision-making in this manner.

The conclusion of the thesis contains several proposals *de lege ferenda*, which should contribute to improving the position of the injured party in criminal proceedings. These include the implementation of private indictment in criminal proceedings and granting the right to file an appeal against the penal order to injured party. This part includes the analysis of all arguments for and against implementation of these institutes, and based on the gathered information, attempts to make a prediction of its effectiveness in Czech legal realities.